

# EXHIBIT 8

Erik A. Christiansen (USB 7372)  
Hannah J. Ector (USB 17980)  
**PARSONS BEHLE & LATIMER**  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Telephone: (801) 532-1234  
Facsimile: (801) 536-6111  
EChristiansen@parsonsbehle.com  
HEctor@parsonsbehle.com

John S. Worden (CA SBN 142943) (*Admitted Pro Hac Vice*)  
Sarah E. Diamond (CA SBN 281162) (*Admitted Pro Hac Vice*)  
**VENABLE LLP**  
2049 Century Park East, Suite 2300  
Los Angeles, CA 90067  
Telephone: (310) 229-9900  
Facsimile: (310) 229-9901  
JSWorden@venable.com  
SEDiamond@venable.com

*Attorneys for Plaintiffs Capana Swiss Advisors AG and  
AmeriMark Automotive AG, and Third-Party Defendants  
Shaen Bernhardt, Martin Fasser Heeg, and Stefan Kammerlander*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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CAPANA SWISS ADVISORS AG, a Swiss  
corporation; AMERIMARK AUTOMOTIVE  
AG, a Swiss corporation,

Plaintiffs,

v.

RYMARK, INC., a Utah corporation;  
NICHOLAS THAYNE MARKOSIAN, an  
individual; JOHN KIRKLAND, an individual;  
and VICKY SMALL, an individual,

Defendants.

**DECLARATION OF AMERIMARK  
GROUP AG IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION TO  
DISQUALIFY COUNSEL**

Civil Case No. 2:23-cv-00467

Judge: Hon. Ted Stewart

Magistrate Judge: Hon. Cecilia M. Romero

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**DECLARATION OF AMERIMARK GROUP AG**

I, Martin Fasser Heeg, do hereby declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein.
2. I am currently the Director of AmeriMark Group AG (“AM Group”).
3. It is my understanding that Mr. Markosian and Rymark have filed a motion to disqualify Venable LLP (“Venable”) and Parson Behle & Latimer (“PBL”) in the above-referenced action (the “Action”) from representing AM Group, AmeriMark Automotive AG (“Automotive”) and Martin Fasser Heeg (“Heeg”) in the Action. I submit this declaration in support of the opposition to the motion to disqualify.
4. I understand this Action began with the filing of a Complaint by Venable and PBL on behalf of Capana Swiss Advisors AG (“Capana”) and Automotive and that Mr. Markosian and Rymark subsequently filed a pleading adding AM Group, Heeg and two other individuals (Shaen Bernhardt and Stefan Kammerlander, together the “Other Individuals”) as parties to the Action. I further understand that Venable and PBL are continuing to represent Capana and Automotive and have now also undertaken to represent AM Group (to the extent that AM Group remains a party in this Action), Heeg and the Other Individuals.
5. AM Group wishes to have Venable and PBL continue to represent it in this Action and supports the opposition to the motion to disqualify.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15th day of January 2025, at Zurich, Switzerland.

/s/   
Martin Fasser Heeg

Erik A. Christiansen (USB 7372)  
Hannah J. Ector (USB 17980)  
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Plaintiffs,

v.

RYMARK, INC., a Utah corporation;  
NICHOLAS THAYNE MARKOSIAN, an  
individual; JOHN KIRKLAND, an individual;  
and VICKY SMALL, an individual,

Defendants.

**DECLARATION OF MARTIN FASSER  
HEEG IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
MOTION TO DISQUALIFY COUNSEL**

Civil Case No. 2:23-cv-00467

Judge: Hon. Ted Stewart

Magistrate Judge: Hon. Cecilia M. Romero

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**DECLARATION OF MARTIN FASSER HEEG**

I, Martin Fasser Heeg, do hereby declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein.

2. I am currently the Chairman of the Board of AmeriMark Automotive AG (“Automotive”) and the Director of AmeriMark Group AG (“AM Group”).

3. It is my understanding that Mr. Markosian and Rymark have filed a motion to disqualify Venable LLP (“Venable”) and Parson Behle & Latimer (“PBL”) in the above-referenced action (the “Action”) from representing AM Group, Automotive, and myself in the Action. I submit this declaration in support of the opposition to the motion to disqualify.

4. I understand this Action began with the filing of a Complaint by Venable and PBL on behalf of Capana Swiss Advisors AG (“Capana”) and Automotive and that Mr. Markosian and Rymark subsequently filed a pleading adding AM Group, myself and two other individuals (Shaen Bernhardt and Stefan Kammerlander, together the “Other Individuals”) as parties to the Action. I further understand that Venable and PBL are continuing to represent Capana and Automotive and have now also undertaken to represent AM Group, myself and the Other Individuals.

5. I wish to have Venable and PBL continue to represent me in this Action and support the opposition to the motion to disqualify.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15th day of January 2025, at Zurich, Switzerland.

/s/

Martin Fasser Heeg



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Hannah J. Ector (USB 17980)  
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**DECLARATION OF AMERIMARK  
AUTOMOTIVE AG IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION TO  
DISQUALIFY COUNSEL**

Civil Case No. 2:23-cv-00467  
Judge: Hon. Ted Stewart  
Magistrate Judge: Hon. Cecilia M. Romero



**DECLARATION OF AMERIMARK AUTOMOTIVE AG**

I, Martin Fasser Heeg, do hereby declare as follows:

1. I am over the age of 18 and have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein.

2. I am currently the Chairman of the Board of AmeriMark Automotive AG (“Automotive”).

3. It is my understanding that Mr. Markosian and Rymark have filed a motion to disqualify Venable LLP (“Venable”) and Parson Behle & Latimer (“PBL”) in the above-referenced action (the “Action”) from representing AmeriMark Group AG (“AM Group”), Automotive, and Martin Fasser Heeg (“Heeg”) in the Action. I submit this declaration in support of the opposition to the motion to disqualify.

4. I understand this Action began with the filing of a Complaint by Venable and PBL on behalf of Capana Swiss Advisors AG (“Capana”) and Automotive and that Mr. Markosian and Rymark subsequently filed a pleading adding AM Group, Heeg and two other individuals (Shaen Bernhardt and Stefan Kammerlander, together the “Other Individuals”) as parties to the Action. I further understand that Venable and PBL are continuing to represent Capana and Automotive and have now also undertaken to represent AM Group, Heeg and the Other Individuals.

5. Automotive wishes to have Venable and PBL continue to represent it in this Action and supports the opposition to the motion to disqualify.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 15th day of January 2025, at Zurich, Switzerland.

/s/

Martin Fasser Heeg

